

(2) The symbol, letters and border must be black and the background white, except for the starburst which must be red.

(3) The KEEP AWAY FROM HEAT handling marking required by paragraph (a) of this section must be durable, legible and displayed on a background of contrasting color.

[69 FR 76153, Dec. 20, 2004]

§ 172.320 Explosive hazardous materials.

(a) Except as otherwise provided in paragraphs (b), (c), (d) and (e) of this section, each package containing a Class 1 material must be marked with the EX-number for each substance, article or device contained therein.

(b) Except for fireworks approved in accordance with §173.56(j) of this subchapter, a package of Class 1 materials may be marked, in lieu of the EX-number required by paragraph (a) of this section, with a national stock number issued by the Department of Defense or identifying information, such as a product code required by regulations for commercial explosives specified in 27 CFR part 55, if the national stock number or identifying information can be specifically associated with the EX-number assigned.

(c) When more than five different Class 1 materials are packed in the same package, the package may be marked with only five of the EX-numbers, national stock numbers, product codes, or combination thereof.

(d) The requirements of this section do not apply if the EX-number, product code or national stock number of each explosive item described under a proper shipping description is shown in association with the shipping description required by §172.202(a) of this part. Product codes and national stock numbers must be traceable to the specific EX-number assigned by the Associate Administrator.

(e) The requirements of this section do not apply to the following Class 1 materials:

(1) Those being shipped to a testing agency in accordance with §173.56(d) of this subchapter;

(2) Those being shipped in accordance with §173.56(e) of this subchapter, for the purposes of developmental testing;

(3) Those which meet the requirements of §173.56(h) of this subchapter and therefore are not subject to the approval process of §173.56 of this subchapter;

(4) Until October 1, 1993, those which are shipped under §171.19 of this subchapter; and

(5) Those that are transported in accordance with §173.56(c)(2) of this subchapter and, therefore, are covered by a national security classification currently in effect.

[Amdt. 172-123, 56 FR 66254, Dec. 20, 1991, as amended by Amdt. 172-139, 59 FR 67487, Dec. 29, 1994; 66 FR 45379, Aug. 28, 2001]

§ 172.322 Marine pollutants.

(a) For vessel transportation of each non-bulk packaging that contains a marine pollutant—

(1) If the proper shipping name for a material which is a marine pollutant does not identify by name the component which makes the material a marine pollutant, the name of that component must be marked on the package in parentheses in association with the marked proper shipping name. Where two or more components which make a material a marine pollutant are present, the names of at least two of the components most predominantly contributing to the marine pollutant designation must appear in parentheses in association with the marked proper shipping name; and

(2) The MARINE POLLUTANT mark shall be placed in association with the hazard warning labels required by subpart E of this part or, in the absence of any labels, in association with the marked proper shipping name.

(b) A bulk packaging that contains a marine pollutant must—

(1) Be marked with the MARINE POLLUTANT mark on at least two opposing sides or two ends other than the bottom if the packaging has a capacity of less than 3,785 L (1,000 gallons). The mark must be visible from the direction it faces. The mark may be displayed in black lettering on a square-on-point configuration having the same outside dimensions as a placard; or

(2) Be marked on each end and each side with the MARINE POLLUTANT mark if the packaging has a capacity of 3,785 L (1,000 gallons) or more. The

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mark must be visible from the direction it faces. The mark may be displayed in black lettering on a square-on-point configuration having the same outside dimensions as a placard.

(c) A transport vehicle or freight container that contains a package subject to the marking requirements of paragraph (a) or (b) of this section must be marked with the MARINE POLLUTANT mark. The mark must appear on each side and each end of the transport vehicle or freight container, and must be visible from the direction it faces. This requirement may be met by the marking displayed on a freight container or portable tank loaded on a motor vehicle or rail car. This mark may be displayed in black lettering on a white square-on-point configuration having the same outside dimensions as a placard.

(d) The MARINE POLLUTANT mark is not required—

(1) On a combination package containing a severe marine pollutant (see

appendix B to §172.101), in inner packagings each of which contains:

(i) 0.5 L (17 ounces) or less net capacity for liquids; or

(ii) 500 g (17.6 ounces) or less net capacity for solids.

(2) On a combination packaging containing a marine pollutant, other than a severe marine pollutant, in inner packagings each of which contains:

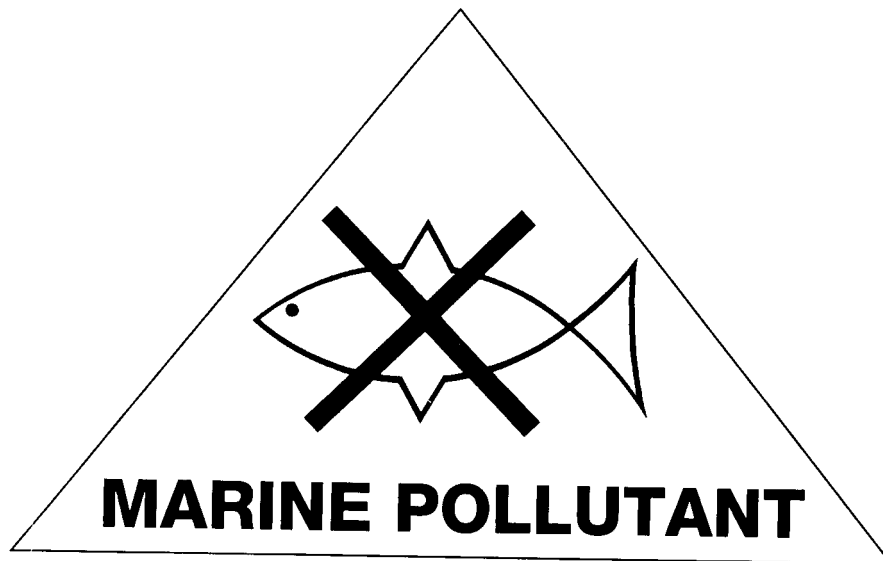
(i) 5 L (1.3 gallons) or less net capacity for liquids; or

(ii) 5 kg (11 pounds) or less net capacity for solids.

(3) Except for transportation by vessel, on a bulk packaging, freight container or transport vehicle that bears a label or placard specified in subparts E or F of this part.

(e) *MARINE POLLUTANT mark.* The MARINE POLLUTANT mark must conform to the following:

(1) Except for size, the MARINE POLLUTANT mark must appear as follows:



(2) The symbol, letters and border must be black and the background white, or the symbol, letters, border

and background must be of contrasting color to the surface to which the mark

is affixed. Each side of the mark must be—

(i) At least 100 mm (3.9 inches) for marks applied to:

(A) Non-bulk packagings, except in the case of packagings which, because of their size, can only bear smaller marks; or

(B) Bulk packagings with a capacity of less than 3785 L (1,000 gallons); or

(ii) At least 250 mm (9.8 inches) for marks applied to all other bulk packagings.

(f) *Exceptions.* See §171.4(c).

[Amdt. 172-127, 57 FR 52938, Nov. 5, 1992, as amended by Amdt. 172-136, 59 FR 38064, July 26, 1994; Amdt. 172-145, 60 FR 49110, Sept. 21, 1995; 66 FR 45379, Aug. 28, 2001; 70 FR 56098, Sept. 23, 2005]

§ 172.323 Infectious substances.

(a) In addition to other requirements of this subpart, after September 30, 2003, a bulk packaging containing a regulated medical waste, as defined in §173.134(a)(5) of this subchapter, must be marked with a BIOHAZARD marking conforming to 29 CFR 1910.1030(g)(1)(i)—

(1) On two opposing sides or two ends other than the bottom if the packaging has a capacity of less than 3,785 L (1,000 gallons). The BIOHAZARD marking must measure at least 152.4 mm (6 inches) on each side and must be visible from the direction it faces.

(2) On each end and each side if the packaging has a capacity of 3,785 L (1,000 gallons) or more. The BIOHAZARD marking must measure at least 152.4 mm (6 inches) on each side and must be visible from the direction it faces.

(b) For a bulk packaging contained in or on a transport vehicle or freight container, if the BIOHAZARD marking on the bulk packaging is not visible, the transport vehicle or freight container must be marked as required by paragraph (a) of this section on each side and each end.

(c) The background color for the BIOHAZARD marking required by paragraph (a) of this section must be orange and the symbol and letters must be black. Except for size the BIOHAZARD marking must appear as follows: